

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SEAN PORTER,

Index No.: CV-15-3558

Plaintiff,

vs.

ANSWER

PORT AUTHORITY OF NEW YORK AND
NEW JERSEY, OFFICE OF INSPECTOR GENERAL,
HUNTLEY LAWRENCE, in his individual and official
capacity, JOHN TUCCI, in his individual and official
capacity, THOMAS L. BOSCO, in his individual and
official capacity, and PORT AUTHORITY OFFICERS
JOHN DOES 1-4, in their individual and official
capacities,

**(Jury Trial Demanded)
(FB) (LB)**

Defendants.
-----X

Defendants, The Port Authority of New York and New Jersey, (the "Port Authority"), the
Office of Inspector General, Huntley Lawrence and John Tucci by their attorney, James M.
Begley, for their Answer to the Complaint state upon information and belief as follows:

PRELIMINARY STATEMENT

FIRST: Deny knowledge or information sufficient to form a belief as to the truth or
accuracy of the allegations contained in paragraph "1" of the Complaint, and respectfully refer
all questions of law to the Court.

SECOND: Deny knowledge or information sufficient to form a belief as to the truth or
accuracy of the allegations contained in paragraph "2" of the Complaint, and respectfully refer
all questions of law to the Court.

THIRD: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph “3” of the Complaint, and respectfully refer all questions of law to the Court.

FOURTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph “4” of the Complaint, and respectfully refer all questions of law to the Court.

FIFTH: Deny the allegations contained in paragraph “5” of the Complaint.

SIXTH: Deny the allegations contained in paragraph “6” of the Complaint.

SEVENTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph “7” of the Complaint, and respectfully refer all questions of law to the Court.

JURISDICTION

EIGHTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph “8” of the Complaint, and respectfully refer all questions of law to the Court.

NINTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph “9” of the Complaint, and respectfully refer all questions of law to the Court.

TENTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph “10” of the Complaint, and respectfully refer all questions of law to the Court.

PARTIES

ELEVENTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph “11” of the Complaint, except admit that Sean Porter is a natural person.

TWELFTH: Deny the allegations contained in paragraph “12” of the Complaint, except admit that the Port Authority is a bi-state governmental agency created by compact between the States of New York and New Jersey with the approval of the United States Congress and that it has its executive offices at 4 World Trade Center, 150 Greenwich Street, New York, New York 10007 and that it operates and maintains those portions at John F. Kennedy International Airport (“JFK”), not operated and maintained by others pursuant to a lease with the City of New York.

THIRTEENTH: Deny the allegations contained in paragraph “13” of the Complaint, except admit Huntley Lawrence was and is employed by the Port Authority, and respectfully refer all questions of law to the Court.

FOURTEENTH: Deny the allegations contained in paragraph “14” of the Complaint, except admit John Tucci was and is employed by the Port Authority, and respectfully refer all questions of law to the Court.

FIFTEENTH: Deny the allegations contained in paragraph “15” of the Complaint, except admit Thomas Bosco was and is employed by the Port Authority, and respectfully refer all questions of law to the Court.

FACTUAL ALLEGATIONS

SIXTEENTH: Deny the allegations contained in paragraph “16” of the Complaint, except admit that Sean Porter is a male of African descent employed by the Port Authority at

JFK Airport and that Huntley Lawrence is currently the Deputy Director of the Aviation Department.

SEVENTEENTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph "17" of the Complaint, except admit that Sean Porter has been employed by the Port Authority for a number of years and has held various positions and respectfully refer the Court to personnel records maintained for Sean Porter by the Port Authority.

EIGHTEENTH: Deny the allegations contained in paragraph "18" of the Complaint.

NINETEENTH: Deny the allegations contained in paragraph "19" of the Complaint.

TWENTIETH: Deny the allegations contained in paragraph "20" of the Complaint, except deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations concerning plaintiff's participation in the defense of a fellow employee charged with criminal conduct.

TWENTY-FIRST: Deny the allegations contained in paragraph "21" of the Complaint.

TWENTY-SECOND: Deny the allegations contained in paragraph "22" of the Complaint.

TWENTY-THIRD: Deny the allegations contained in paragraph "23" of the Complaint, except admit that it was learned that plaintiff drove a vehicle with Florida license plates.

TWENTY-FOURTH: Deny the allegations contained in paragraph "24" of the Complaint.

TWENTY-FIFTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph "25" of the Complaint

TWENTY-SIXTH: Deny the allegations contained in paragraph "26" of the Complaint.

TWENTY-SEVENTH: Deny the allegations contained in paragraph “27” of the Complaint, except deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations concerning the charges brought against plaintiff in Florida and the date of his arraignment and the disposition of the charges.

TWENTY-EIGHTH: Deny the allegations contained in paragraph “28” of the Complaint except, deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations concerning plaintiff’s conduct with respect to the Florida investigation and prosecution.

TWENTY-NINTH: Deny the allegations contained in paragraph “29” of the Complaint.

THIRTIETH: Deny the allegations contained in paragraph “30” of the Complaint.

THIRTY-FIRST: Deny the allegations contained in paragraph “31” of the Complaint, except admit that on or about April 16, 2015, Thomas Bosco sent plaintiff a memorandum concerning the destruction of Port Authority property, and respectfully refer the Court to the memorandum as best evidence of its own content.

THIRTY-SECOND: Deny the allegations contained in paragraph “32” of the Complaint.

THIRTY-THIRD: Deny the allegations contained in paragraph “33” of the Complaint, except deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations as to plaintiff’s mental processes.

FIRST COUNT
(42 U.S.C. §1981)

THIRTY-FOURTH: In response to paragraph “34” of the Complaint, defendants repeat and reallege paragraphs “FIRST” through “THIRTY-THIRD” hereof as if more fully set forth herein.

THIRTY-FIFTH: Deny the allegations contained in paragraph “35” of the Complaint.

THIRTY-SIXTH: Deny the allegations contained in paragraph “36” of the Complaint.

THIRTY-SEVENTH: Deny the allegations contained in paragraph “37” of the Complaint.

THIRTY-EIGHTH: Deny the allegations contained in paragraph “38” of the Complaint.

THIRTY-NINTH: Deny the allegations contained in paragraph “39” of the Complaint.

FORTIETH: Deny the allegations contained in paragraph “40” of the Complaint.

FORTY-FIRST: Deny the allegations contained in paragraph “41” of the Complaint.

SECOND COUNT
(42 U.S.C. § 1983, Fourth, Fifth and Fourteenth Amendments)

FORTY-SECOND: In response to paragraph “42” of the Complaint, defendants repeat and reallege paragraphs “FIRST” through “FORTY-FIRST” hereof as if more fully set forth herein.

FORTY-THIRD: Deny the allegations contained in paragraph “43” of the Complaint.

FORTY-FOURTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph “44” of the Complaint

FORTY-FIFTH: Deny the allegations contained in paragraph “45” of the Complaint.

FORTY-SIXTH: Deny the allegations contained in paragraph “46” of the Complaint.

FORTY-SEVENTH: Deny the allegations contained in paragraph “47” of the Complaint.

FORTY-EIGHTH: Deny the allegations contained in paragraph “48” of the Complaint, and respectfully refer all questions of law to the Court.

FORTY-NINTH: Deny the allegations contained in paragraph “49” of the Complaint.

FIFTIETH: Deny the allegations contained in paragraph “50” of the Complaint.

FIFTY-FIRST: Deny the allegations contained in paragraph “51” of the Complaint.

FIFTY-SECOND: Deny the allegations contained in paragraph “52” of the Complaint, except deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations concerning plaintiff’s expenses.

FIFTY-THIRD: Deny the allegations contained in paragraph “53” of the Complaint.

FIFTY-FOURTH: Deny the allegations contained in paragraph “54” of the Complaint.

FIFTY-FIFTH: Deny the allegations contained in paragraph “55” of the Complaint.

THIRD COUNT
(42 U.S.C. § 1983 Municipal Violations)

FIFTY-SIXTH: In response to paragraph “56” of the Complaint, defendants repeat and reallege paragraphs “FIRST” through “FIFTY-FIFTH” hereof as if more fully set forth herein.

FIFTY-SEVENTH: Deny the allegations contained in paragraph “57” of the Complaint.

FIFTY-EIGHTH: Deny the allegations contained in paragraph “58” of the Complaint.

FIFTY-NINTH: Deny the allegations contained in paragraph “59” of the Complaint.

SIXTIETH: Deny the allegations contained in paragraph “60” of the Complaint.

SIXTY-FIRST: Deny the allegations contained in paragraph “61” of the Complaint.

SIXTY-SECOND: Deny the allegations contained in paragraph “62” of the Complaint.

SIXTY-THIRD: Deny the allegations contained in paragraph “63” of the Complaint.

SIXTY-FOURTH: Deny the allegations contained in paragraph “64” of the Complaint, and respectfully refer all questions of law to the Court.

SIXTY-FIFTH: Deny the allegations contained in paragraph “65” of the Complaint.

FOURTH COUNT
(42 U.S.C. § 1985)

SIXTY-SIXTH: In response to paragraph “66” of the Complaint, defendants repeat and reallege paragraphs “FIRST” through “SIXTY-FIFTH” hereof as if more fully set forth herein.

SIXTY-SEVENTH: Deny the allegations contained in paragraph “67” of the Complaint.

SIXTY-EIGHTH: Deny the allegations contained in paragraph “68” of the Complaint.

SIXTY-NINTH: Deny the allegations contained in paragraph “69” of the Complaint.

SEVENTIETH: Deny the allegations contained in paragraph “70” of the Complaint.

SEVENTY-FIRST: Deny the allegations contained in paragraph “71” of the Complaint.

SEVENTY-SECOND: Deny the allegations contained in paragraph “72” of the Complaint.

SEVENTY-THIRD: Deny the allegations contained in paragraph “73” of the Complaint.

FIFTH COUNT
(42 U.S.C. § 1986)

SEVENTY-FOURTH: In response to paragraph “74” of the Complaint, defendants repeat and reallege paragraphs “FIRST” through “SEVENTY-THIRD” hereof as if more fully set forth herein.

SEVENTY-FIFTH: Deny the allegations contained in paragraph “75” of the Complaint.

SEVENTY-SIXTH: Deny the allegations contained in paragraph “76” of the Complaint.

SEVENTY-SEVENTH: Deny the allegations contained in paragraph “77” of the Complaint, and respectfully refer all questions of law to the Court.

SEVENTY-EIGHTH: Deny the allegations contained in paragraph “78” of the Complaint.

SEVENTH-NINTH: Deny the allegations contained in paragraph “79” of the Complaint.

EIGHTIETH: Deny the allegations contained in paragraph “80” of the Complaint.

EIGHTY-FIRST: Deny the allegations contained in paragraph “81” of the Complaint.

EIGHTY-SECOND: Deny the allegations contained in paragraph “82” of the Complaint.

EIGHTY-THIRD: Deny the allegations contained in paragraph “83” of the Complaint.

EIGHTY-FOURTH: Deny the allegations contained in paragraph “84” of the Complaint.

**SIXTH COUNT
(First Amendment)**

EIGHTY-FIFTH: In response to paragraph “85” of the Complaint, defendants repeat and reallege paragraphs “FIRST” through “EIGHTY-FOURTH” hereof as if more fully set forth herein.

EIGHTY-SIXTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph “86” of the Complaint, and respectfully refer the Court to the First Amendment U.S. Constitution as best evidence of its own content.

EIGHTY-SEVENTH: Deny the allegations contained in paragraph “87” of the Complaint.

EIGHTY-EIGHTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph “88” of the Complaint, and respectfully refer all questions of law to the Court.

EIGHTY-NINTH: Deny the allegations contained in paragraph “89” of the Complaint.

NINETIETH: Deny the allegations contained in paragraph “90” of the Complaint.

NINETY-FIRST: Deny the allegations contained in paragraph “91” of the Complaint.

NINETY-SECOND: Deny the allegations contained in paragraph “92” of the Complaint.

SEVENTH COUNT
(Intentional Infliction of Emotional Distress)

NINETY-THIRD: In response to paragraph “93” of the Complaint, defendants repeat and reallege paragraphs “FIRST” through “NINETY-SECOND” hereof as if more fully set forth herein.

NINETY-FOURTH: Deny the allegations contained in paragraph “94” of the Complaint.

NINETY-FIFTH: Deny the allegations contained in paragraph “95” of the Complaint.

NINETY-SIXTH: Deny the allegations contained in paragraph “96” of the Complaint.

NINETY-SEVENTH: Deny the allegations contained in paragraph “97” of the Complaint.

NINETY-EIGHTH: Deny the allegations contained in paragraph “98” of the Complaint.

NINETY-NINTH: Deny the allegations contained in paragraph “99” of the Complaint.

EIGHTH COUNT
(Abuse of Process/Malicious Prosecution)

ONE HUNDREDTH: In response to paragraph “100” of the Complaint, defendants repeat and reallege paragraphs “FIRST” through “NINETY-NINTH” hereof as if more fully set forth herein.

ONE HUNDRED FIRST: Deny the allegations contained in paragraph “101” of the Complaint.

ONE HUNDRED SECOND: Deny the allegations contained in paragraph “102” of the Complaint.

ONE HUNDRED THIRD: Deny the allegations contained in paragraph “103” of the Complaint.

ONE HUNDRED FOURTH: Deny the allegations contained in paragraph “104” of the Complaint.

ONE HUNDRED FIFTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph “105” of the Complaint.

ONE HUNDRED SIXTH: Deny the allegations contained in paragraph “106” of the Complaint.

ONE HUNDRED SEVENTH: Deny the allegations contained in paragraph “107” of the Complaint.

**NINTH COUNT
(Negligence)**

ONE HUNDRED EIGHTH: In response to paragraph “108” of the Complaint, defendants repeat and reallege paragraphs “FIRST” through “ONE HUNDED SEVENTH” hereof as if more fully set forth herein.

ONE HUNDRED NINTH: Deny the allegations contained in paragraph “109” of the Complaint, and respectfully refer all questions of law to the Court.

ONE HUNDRED TENTH: Deny the allegations contained in paragraph “110” of the Complaint, and respectfully refer all questions of law to the Court.

ONE HUNDRED ELEVENTH: Deny the allegations contained in paragraph “111” of the Complaint.

ONE HUNDRED TWELFTH: Deny the allegations contained in paragraph “112” of the Complaint.

TENTH COUNT
(Defamation)

ONE HUNDRED THIRTEENTH: In response to paragraph “113” of the Complaint, defendants repeat and reallege paragraphs “FIRST” through “ONE HUNDRED TWELFTH” hereof as if more fully set forth herein.

ONE HUNDRED FOURTEENTH: Deny the allegations contained in paragraph “114” of the Complaint, except deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations concerning charges brought against plaintiff in Florida or the disposition of those charges.

ONE HUNDRED FIFTEENTH: Deny the allegations contained in paragraph “115” of the Complaint.

ONE HUNDRED SIXTEENTH: Deny the allegations contained in paragraph “116” of the Complaint.

ONE HUNDRED SEVENTEENTH: Deny the allegations contained in paragraph “117” of the Complaint.

ONE HUNDRED EIGHTEENTH: Deny the allegations contained in paragraph “118” of the Complaint, except deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations regarding plaintiff’s status as a public figure, and respectfully refer all questions of law to the Court.

ONE HUNDRED NINETEENTH: Deny the allegations contained in paragraph “119” of the Complaint.

ONE HUNDRED TWENTIETH: Deny the allegations contained in paragraph “120” of the Complaint.

ONE HUNDRED TWENTY-FIRST: Deny the allegations contained in paragraph “121” of the Complaint.

**ELEVENTH COUNT
(Breach of Contract)**

ONE HUNDRED TWENTY-SECOND: In response to paragraph “122” of the Complaint, defendants repeat and reallege paragraphs “FIRST” through “ONE HUNDRED TWENTY-FIRST” hereof as if more fully set forth herein.

ONE HUNDRED TWENTY-THIRD: Deny the allegations contained in paragraph “123” of the Complaint, except admit plaintiff was and is employed by the Port Authority and respectfully refer all questions of law to the Court.

ONE HUNDRED TWENTY-FOURTH: Deny the allegations contained in paragraph “124” of the Complaint, except admit that plaintiff was and is employed by the Port Authority, and that the Port Authority has from time to time issued written policies on discrimination which are provided to all employees.

ONE HUNDRED TWENTY-FIFTH: Deny the allegations contained in paragraph “125” of the Complaint, except admit plaintiff was and is employed by the Port Authority and respectfully refer all questions of law to the Court.

ONE HUNDRED TWENTY-SIXTH: Deny the allegations contained in paragraph “126” of the Complaint, except admit that the language in quotes appears to be taken from a Port Authority document.

ONE HUNDRED TWENTY-SEVENTH: Deny the allegations contained in paragraph “127” of the Complaint, except admit the language in quotes appears to be taken from a Port Authority document.

ONE HUNDRED TWENTY-EIGHTH: Deny the allegations contained in paragraph “128” of the Complaint, except admit the language in quotes appears to come from a Port Authority document.

ONE HUNDRED TWENTY-NINTH: Deny the allegations contained in paragraph “129” of the Complaint, except admit the Port Authority has issued policies prohibiting discrimination based on ethnicity, race, color, creed, national origin, sex, age or disability, and respectfully refer the Court to those policies as best evidence of their own content.

ONE HUNDRED THIRTIETH: Deny the allegations contained in paragraph “130” of the Complaint, except deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations as to plaintiff’s mental processes, and admit plaintiff was and is employed by the Port Authority.

ONE HUNDRED THIRTY-FIRST: Deny knowledge or information sufficient to form a belief a to the truth or accuracy of the allegations contained in paragraph “131” of the Complaint.

ONE HUNDRED THIRTY-SECOND: Deny the allegations contained in paragraph “132” of the Complaint.

ONE HUNDRED THIRTY-THIRD: Deny the allegations contained in paragraph “133” of the Complaint.

TWELFTH COUNT
(New York Civil Service Law § 75-B)

ONE HUNDRED THIRTY-FOURTH: In response to paragraph “134” of the Complaint, defendants repeat and reallege paragraphs “FIRST” through “ONE HUNDED THIRTY-THIRD” hereof as if more fully set forth herein.

ONE HUNDRED THIRTY-FIFTH: Deny the allegations contained in paragraph “135” of the Complaint.

ONE HUNDRED THIRTY-SIXTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph “136” of the Complaint, and respectfully refer the Court to N.Y. Civil Service Law § 75-B as best evidence of its own content.

ONE HUNDRED THIRTY-SEVENTH: Deny the allegations contained in paragraph “137” of the Complaint.

ONE HUNDRED THIRTY-EIGHTH: Deny the allegations contained in paragraph “138” of the Complaint.

ONE HUNDRED THIRTY-NINTH: Deny the allegations contained in paragraph “139” of the Complaint.

THIRTEENTH COUNT
(New York City Administrative Code)

ONE HUNDRED FORTIETH: In response to paragraph “140” of the Complaint, defendants repeat and reallege paragraphs “FIRST” through “ONE HUNDRED THIRTY-NINTH” hereof as if more fully set forth herein.

ONE HUNDRED FORTY-FIRST: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in paragraph “141” of the Complaint, and respectfully refer the Court to N.Y.C. Administrative Code Title 8, §§ 8-107 (1), (6), (7), (13), (19) as best evidence of their own content, and refer all questions of law to the Court.

ONE HUNDRED FORTY-SECOND: Deny the allegations contained in paragraph “142” of the Complaint.

ONE HUNDRED FORTY-THIRD: Deny the allegations contained in paragraph “143” of the Complaint.

ONE HUNDRED FORTY-FOURTH: Deny the allegations contained in paragraph “144” of the Complaint.

**FOURTEENTH COUNT
(Punitive Damages)**

ONE HUNDRED FORTY-FIFTH: In response to paragraph “145” of the Complaint, defendants repeat and reallege paragraphs “FIRST” through “ONE HUNDRED FORTY-FOURTH: hereof as if more fully set forth herein.

ONE HUNDRED FORTY-SIXTH: Deny the allegations contained in paragraph “146” of the Complaint.

ONE HUNDRED FORTY-SEVENTH: Deny the allegations contained in paragraph “147” of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

ONE HUNDRED FORTY-EIGHTH: The Complaint fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

ONE HUNDRED FORTY-NINTH: The Port Authority and its employees cannot be held liable pursuant to single state legislation respecting employment matters.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

ONE HUNDRED FIFTIETH: The Port Authority cannot be held liable for punitive damages.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

ONE HUNDRED FIFTY-FIRST: Plaintiff's claims of harassment are barred in whole or in part under *Farragher* by his failure to avail himself of the Port Authority's Office of Equal Employment.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

ONE HUNDRED FIFTY-SECOND: Plaintiff's state law claims are barred to the extent plaintiff failed to comply with the Port Authority's suability statute.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

ONE HUNDRED FIFTY-THIRD: Plaintiff's claims of discrimination and retaliation are barred in whole or in part by the applicable statute of limitations.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

ONE HUNDRED FIFTY-FOURTH: Plaintiff's arrest and prosecution was carried out by Florida law enforcement based upon probable cause.

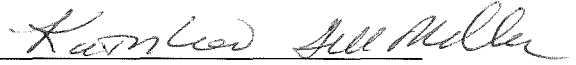
AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

ONE HUNDRED FIFTY-FIFTH: The individual defendants are entitled to qualified immunity.

Dated: New York, New York
August 14, 2015

Respectfully yours,

James M. Begley, Esq.
Attorney for Defendants
The Port Authority of New York and New
Jersey, Office of Inspector General,
Huntley Lawrence, John Tucci and
Thomas Bosco

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